

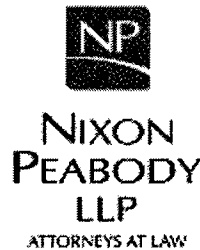
Brown, Michael R.

From: Bourque, Jodi [jbourque@nixonpeabody.com]
Sent: Wednesday, November 15, 2006 12:31 PM
To: Brown, Michael R.
Attachments: Newport Hospital Medical Authorization Form.pdf

Mike,

As we discussed, attached is Newport Hospital Authorization form. For your information, in order to receive the categories of sensitive information listed on the release, the applicable boxes need to be left blank.

Jodi



Jodi Nourse Bourque
Nixon Peabody LLP
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12/18/2006

Brown, Michael R.

From: Bourque, Jodi [jbourque@nixonpeabody.com]
Sent: Friday, November 17, 2006 4:06 PM
To: jmahaney@gmrmlaw.com; Brown, Michael R.
Cc: Brenner, Jeffrey
Subject: Stipulation
Attachments: FIRM_DM-10197223-v1-Extension_of_Time_-_Newport_Hospital_McDermott.DOC

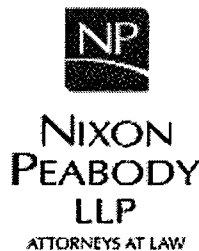
Good Afternoon,

It is my understanding that a patient authorization may be forthcoming in this matter that would obviate the need for Newport Hospital's Motion to Quash. To that end, attached is a stipulation in order to allow additional time for submission of a patient authorization. Upon receipt of the authorization, we will withdraw our Motion and release the requested records.

Please response to this email and let me know that the attached stipulation is acceptable to you and that we have your permission to file it with your e-signature.

Please feel free to call if you have any questions.

Jodi Bourque



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12/18/2006

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TEL: (617) 241 3000
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November 21, 2006

Via Facsimile

Joseph M. Mahaney, Esq.
Goguen, McLaughlin, Richards & Mahaney, P.C.
The Harrier Beecher Stowe House
2 Pleasant Street
South Natick, MA 01760

**Re: Steven McDermott et al. vs. FedEx Ground Package System, Inc. et al.
U.S.D.C. District of Massachusetts C.A. No.: 1:04-CV-12253-JLA**

Dear Mr. Mahaney:

I plan to file a Motion to Stay Newport Alliance's recent Motion to Quash our subpoena.
Will you assent to the enclosed Motion?

Please let me know at your earliest convenience. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael R. Brown", followed by a horizontal line.

Michael R. Brown

MRB

Enclosure

cc: James M. Campbell, Esquire
Adam A. Larson, Esquire

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

STEVEN McDERMOTT,
STACEY McDERMOTT
Plaintiffs,

vs.

FED EX GROUND PACKAGE
SYSTEMS, INC.,
Defendant

and

T.S. PRUITT,
Defendant.

Civil Action No.: 04-CV-12253

**FEDEX GROUND PACKAGE SYSTEMS, INC.'S AND T.S. PRUITT'S
ASSENTED-TO MOTION TO STAY NEWPORT ALLIANCE/NEWPORT
HOSPITAL'S MOTION TO QUASH AND/OR FOR A PROTECTIVE ORDER**

Defendants FedEx Ground Package Systems, Inc. ("Fedex") and T.S. Pruitt ("Pruitt") ("Defendants") hereby move for an Order of this Honorable Court staying Newport Alliance/Newport Hospital's Motion to Quash and/or For a Protective Order. In support hereof, Defendants state the following:

1. Defendants served a proper subpoena upon Newport Alliance/Newport Hospital on or about November 3, 2006, seeking to obtain medical information relevant to the alleged injuries suffered by Steven McDermott ("Plaintiff") in the February 7, 2003 accident that is the subject of this case.
2. Newport Alliance/Newport Hospital has filed a Motion to Quash the subpoena, or alternatively for a protective order, on the grounds that the subpoenaed materials contain sensitive information.

3. The parties have conferred with Newport Alliance/Newport Hospital, and agree that this matter may be resolved without motion practice. Specifically, Newport Alliance/Newport Hospital has provided Defendants with an authorization form which, when executed by the Plaintiff, will allow Newport Alliance/Newport Hospital to release the subpoenaed information. The Plaintiff has agreed to execute the authorization form, and Newport Alliance/Newport Hospital had agreed to release the subpoenaed material to Defendants upon receipt of the authorization.

WHEREFORE, Defendants move this Honorable Court for an Order staying Newport Alliance/Newport Hospital's Motion to Quash, pending the execution and receipt of the proper authorization form.

LOCAL RULE 7.1(A)(2) CERTIFICATION

The parties have conferred upon this Motion in accordance with Local Rule 7.1(A)(2). The Plaintiffs and Newport Alliance/Newport Hospital have assented to this Motion.

REQUEST FOR ORAL ARGUMENT

As the Plaintiffs and Newport Alliance/Newport Hospital have assented to this Motion, no oral argument is requested.

FEDEX GROUND PACKAGE SYSTEMS, INC.
And T.S. Pruitt
By Their Attorneys,
CAMPBELL CAMPBELL EDWARDS &
CONROY PROFESSIONAL CORPORATION

/s/ Adam A. Larson

Adam A. Larson (BBO #632634)
James M. Campbell (BBO #541882)
Michael R. Brown (BBO #664239)
One Constitution Plaza
Boston, Massachusetts 02129
(617) 241-3000

CERTIFICATE OF SERVICE

I, Adam A. Larson, certify that on November 21, 2006 a true copy of the above was sent electronically and by first class mail to:

Joseph M. Mahaney, Esq.
Goguen, McLaughlin, Richards & Mahaney, P.C.
The Harrier Beecher Stowe House
2 Pleasant Street
South Natick, MA 01760

Jeffrey S. Brenner, Esq.
Nixon Peabody, LLP
One Citizens Plaza
Providence, RI 02903

/s/ Adam A. Larson

Adam A. Larson

*** TX REPORT ***

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TEL: 617-241-3000

FAX: 617-241-5115

FACSIMILE COVER SHEET

DATE: November 21, 2006

TO: Joseph M. Mahaney, Esq.

FAX NO.: (508) 651-1128

FROM: Michael R. Brown, Esq.

CASE NO.: 1322-16

RE: Steven McDermott et al vs. FedEx Ground etal

PAGES: 5 (including cover sheet)

COMMENTS:

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